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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,441	10/04/2001	Masato Sakamoto	B-4326 619127-3	4134

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EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
2655	7

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/972,441

Applicant(s)
Sakamoto

Examiner
Nabil Hindi

Art Unit
2655



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 30, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-20 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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In response to applicant's letter dated October 30, 2003. The following action is taken:

The claims are rejected for the same reasons set forth in the previous office action mailed June 26, 2003 repeated herein.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by

Hamaguchi et al (5422867).

The claims merely read on a program within the CPU to control the track seeking operation in an optical disk apparatus. The reference shows an optical disk recording and reproducing apparatus wherein a track seek operation is controlled to position the optical head on a target track comprising a microprocessor 42 to control the seek operation, an error signal generating means reading on a (tracking error signal (inherently present), or positional signal between the current track and the target track) see column 4 lines 1-30 showing a different signal (error signal) between a current track and a target positional track on the disk, periodic signal generating means corresponding to drive the carriage during the seek operation column 4 lines 29 and 30 showing the use of a table, a duty ration changing means based on an error signal (speed signal

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corresponding to the distance error signal) and the table signal (periodic signal) column 8 lines 35-50 drive signal control means 54 and supply means 40.

With respect to the limitation of claim 3. The claim read on any periodic or clock signal with infinite range.

Claims 2 and 4-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows changing the duty ratio based on the difference between the max and min value of the error signal to produce the periodic signal or generating a drive signal based on a partial error signal and the changed periodic signal as claimed.

Applicant's arguments filed October 30, 2003 have been fully considered but they are not persuasive. Applicant's arguments are centered around the prior art not showing "a positional determination of an optical beam spot relative to the target position". However such argument is not supported nor claimed in the claimed invention. The claimed invention is drawn to changing the duty ration based on an generic "error signal" which could be a tracking, speed difference, positional ...etc error signal. In addition the argument drawn to the duty ration change object is not supported nor claimed in response to applicant's argument drawn to the prior art not showing "error signal producing means for producing an error signal showing an error between a related position of the optical beam on the recording medium and a position of the track". Such limitation is inherently present in an optical disk since the limitation is basically the tracking error signal

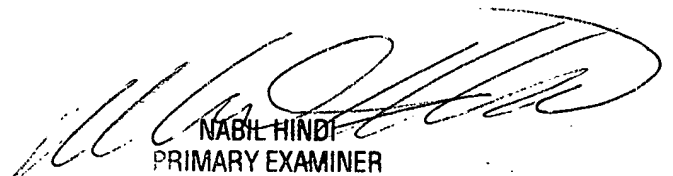
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definition and since a tracking error is a most in any optical disk apparatus in order to be operational such limitation is inherently present.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to NABIL.HINDI at telephone number 308.1555


NABIL HINDI
PRIMARY EXAMINER
GROUP 2500
2653